

**CITY OF OREM**  
**PLANNING COMMISSION MEETING MINUTES**  
**MARCH 18, 2015**

The following items are discussed in these minutes:

**CENTRAL HEIGHTS – APPROVED**  
**PARKWAY LOFTS APARTMENTS – APPROVED**  
**JD BYRIDER – APPROVED**  
**MEDIA HUB – APPROVED**  
**VASA FITNESS – APPROVED**  
**APPENDIX A – RECOMMEND APPROVAL**  
**GPA & REZONE - RECOMMEND**

**STUDY SESSION**

**PLACE –** Orem City Main Conference Room

**At 3:30 p.m.** Chair Moulton called the Study Session to order.

**Those present:** Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdales, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; David Spencer, City Council Liaison and Loriann Merritt, Minutes Secretary

**Those excused:** Carlos Iglesias, Becky Buxton, Planning Commission members

The Commission and staff briefly reviewed agenda items and minutes from March 4, 2015 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

**REGULAR MEETING**

**PLACE -** Orem City Council Chambers

**At 4:30 p.m.** Chair Moulton called the Planning Commission meeting to order and asked Lynnette Larsen, Planning Commission member, to offer the invocation.

**Those present:** Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdales, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; David Spencer, City Council Liaison and Loriann Merritt, Minutes Secretary

**Those excused:** Carlos Iglesias, Planning Commission member

Chair Moulton introduced **AGENDA ITEM 3.1** as follows:

**AGENDA ITEM 3.1** is a request by Michael Lorscheider to approve the preliminary plat of **Central Heights West Subdivision, Plat G** at 1545 South 235 West in the R5 zone.

**Staff Presentation:** Mr. Stroud said the applicant is interested in purchasing the subject property to create two lots. The current zone is R5 and appears to be a remnant of the Hidden Hollow PRD subdivision to the east. This property was never included in the overall master plan of Hidden Hollow and was most likely

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part of one of the initial parcels used to create Hidden Hollow. Because of the configuration, it was difficult to include the subject property as part Hidden Hollow. The proposed plat contains two lots which each meet the R5 zone standards.

**RECOMMENDATION:** The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission approve the preliminary plat of Central Heights West Subdivision Plat G at 1545 South 235 West in the R5 zone.



Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Mr. Whetten asked if the R5 zone is an active zone. Mr. Stroud said no one can rezone to R5, but these were done in the past.

Chair Moulton asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

**Planning Commission Action:** Ms. Jeffreys said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to approve the preliminary plat of Central Heights Subdivision, Plat G with two lots at 1545 South 235 West. Ms. Larsen seconded the motion. Those voting aye: Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.2** as follows:

**AGENDA ITEM 3.2** is a request by Ben Lowe to vacate portions of Parkway Crossing Subdivision, Plat A, Plat B and Plat C and approve the preliminary plat and final plat of **PARKWAY LOFTS SUBDIVISION, PLAT A** and the site plan of **PARKWAY LOFTS** at 1000 South 1300 West in the PD-21 zone.

**Staff Presentation:** Mr. Stroud said this request is similar to a request in 2012 by Flagship Homes. The site plan approved at that time expired after two years. A new applicant has submitted a site plan with a similar layout to include a clubhouse and five (5) four-story multi-family buildings.



The PD-21 zone was initially approved to house up to 7,000 students and several commercial/retail businesses to support the population. After the PD-21 zone was approved, changes were made to permit a church, hotel, and other commercial businesses and the overall concept changed from a strictly student housing development. The text was also amended to eliminate the percentage of occupants who must be students.

The proposed site plan contains 332 units in a mix of studio, 1, 2 and 3-bedroom units. The plan contains 12 studio apartments and 40 three-bedroom units with the rest comprised of one and two-bedroom units. The average unit size is 906 square feet. Parkway Lofts is to be used primarily as married housing, but not required.

Parking will be provided in garages, carports, or uncovered. The parking ratio for this area (Area 2) is 0.62 parking stalls per occupancy unit. An occupancy unit is bedroom of 110 square feet or less. Total occupancy units on site are 1,052, which then will require at least 653 parking stalls whereas 663 are provided.

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Each building will only contain residential uses, aside from the clubhouse. This area of the PD-21 zone does not contain non-residential uses. Each building will be finished with stucco and brick veneer. Metal will be used as for awnings and balcony railings. Maximum height of each building is 49 feet 9 inches.

Amenities are specified in the Code and are located throughout the entire development. Accordingly, the list of existing and proposed amenities in the entire PD-21 zone is as follows:

1. Five BBQ and common space areas
  - Wolverine Crossing, 3
  - Parkway Lofts, 1 and 1 dog park
  - Nelson Brothers, 1 (required)
2. Four swimming pools
  - Wolverine Crossing, 2
  - Parkway Lofts, 1
  - Nelson Brothers, 1 (required)
3. Two volleyball courts
  - Wolverine Crossing, 1
  - Parkway Lofts, 0
  - Nelson Brothers, 1 (required)
4. One student lounge/hall with at least 8,200 square feet
  - Wolverine Crossing, 1
  - Parkway Lofts, 1 (10,000 square foot clubhouse)
  - Nelson Brothers ?
5. One fitness center to include aerobics, weights, basketball
  - Wolverine Crossing, 1
  - Parkway Lofts, 1
  - Nelson Brothers ?

Access to the development will be provided by 1000 South on the north side and 1250 West on the South side. Future development to the south (Nelson Brothers) will have access through Parkway Lofts at two locations. This is needed to spread traffic out and move vehicles and pedestrians to the train station. Two pedestrian access points will connect Wolverine Crossing and Parkway Lofts. There are commercial locations in Wolverine Crossing which will benefit from the additional residents at Parkway Lofts.

The site will contain a clubhouse with a pool and hot tub and interior amenities such as a bowling alley, climbing wall, and theater. Since the PD-21 zone is now to be three separate developments (Wolverine Crossing, Parkway Lofts, Nelson Brothers) amenities are typically not shared by residents of each development. The respective owners of each development may, however, enter into an agreement to share uses. This is not required by the Code but may occur.

**Recommendation:** The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission vacate portions of Parkway Crossing Subdivision Plat A, Plat B, and Plat C, and approve the preliminary plat and final plat of Parkway Lofts Subdivision Plat A and approve the site plan of Parkway Lofts at 1000 South 1300 West in the PD-21 zone.

Ms. Buxton arrived at 4:45 p.m.

Mr. Walker asked if there was pedestrian access to the Frontrunner. Mr. Stroud pointed out the access has on the west.

Ms. Jeffreys asked about fencing. Mr. Stroud said there is fencing around the property except on the north.

Ms. Larsen asked how it is determined if it is married or single. Mr. Stroud said it depends on the bedroom size.

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Ms. Jeffreys asked if this development is student housing. Mr. Stroud said that in the beginning the property was student housing. The property has new ownership and is no longer exclusively student housing. This developer is marketing to married housing; however they can rent to singles. The parking requirements are the same as Wolverine Crossing.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Chair Moulton invited the applicant to come forward. Curtis Miner introduced himself.

Mr. Walker asked about a walkway to the Frontrunner station. Mr. Miner said they will be happy to include a walkway to the Frontrunner. Mr. Goodrich suggested connecting to the UDOT sidewalk to the northeast.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

**Planning Commission Action:** Mr. Walker said he has found that neither the public nor any person will be materially injured by vacating portions of Parkway Crossing Subdivision, Plat A, Plat B and Plat C and that there is good cause for the vacation. He then moved to:

1. Vacate portions of Parkway Crossing Subdivision, Plat A, Plat B and Plat C;
2. Approve the preliminary and final plat of Parkway Lofts Subdivision, Plat A; and
3. Approve the site plan of Parkway Lofts with 332 units at 1000 South 1300 West.

Mr. Whetten seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.3** as follows:

**AGENDA ITEM 3.3** is a request by Aaron Bleak to approve a site plan for **JD BYRIDER** at 1000 North State Street in the C2 zone.

**Staff Presentation:** Mr. Spencer said the property in question currently is developed and has been operated most recently as a used car dealership. The applicant, JD Byrider, is also proposing to open a used car dealership at this location. The applicant is proposing to construct a four bay addition on to the existing building and make some other minor site improvements.



The existing building is a split face block building and is seventeen (17) feet tall. The proposed addition will be on the back of the existing building and will be eighteen (18) feet tall and finished with painted concrete blocks with four bay door openings.

As per code requirements for the C2 zone a total of twenty-seven (27) parking stalls are required. The applicant is providing forty-nine (49) stalls. Three (3) bicycle stalls are also provided. No new fencing is proposed for the site. All current fencing on the site will remain.

In addition to the existing twenty (20) foot landscaping strip along State Street, the applicant is proposing to close an access on 990 North (private street) and install landscaping along the street frontage. A total of eleven (11) trees will be planted, including the replacement of three (3) trees along State Street, as part of the landscaping upgrades.

The location of the dumpster is on the north east side of the site and is enclosed as per code requirements.

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**Recommendation:** Based on compliance with the ordinance, staff recommends the Planning Commission approve the site plan for JD Byrider at 1000 North State Street in the C2 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Chair Moulton called for a motion on this item.

**Planning Commission Action:** Ms. Buxton said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to approve the site plan of JD Byrider at 1100 North State Street. Ms. Larsen seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.4** as follows:

**AGENDA ITEM 3.4** is a request by Elisa Brough to approve the site plan for **MEDIA HUB** at 1342 North State Street in the C2 zone.

**Staff Presentation:** Mr. Spencer said that currently the property is vacant. The applicant is proposing to construct a new building for their digital editing business. The applicant is also required to record a final plat showing the necessary easements for the project.

The proposed building will include 11,252 square feet. The building is twenty-four (24) feet tall at its highest point and will be finished with stucco and stone veneer as well as a standing seam metal roof.

As per code requirements for the C2 zone a total of forty-five (45) parking stalls are required. The applicant is providing the required amount on their site. Four (4) bicycle stalls are also provided.



A seven (7) foot tall masonry wall has already been constructed on the eastern boundary of the site. A six (6) foot vinyl fence will be installed along the south boundary of the property. The fencing between the proposed building and the Mountain America building will be removed.

A twenty (20) foot wide landscape strip will be installed along the 1360 North frontage and includes six (6) trees. Additional landscaping will be install on the western boundary of the property. A native seed mix will be installed to the east of the proposed building in the location of the future phase. The location of the dumpster is on the southern side of the site and is enclosed as per code requirements.

A neighborhood meeting was held by the applicant on February 9, 2015. Three (3) neighbors were in attendance.

**Recommendation:** Based on compliance with the ordinance, staff recommends the Planning Commission approve the site plan for Media Hub at 1342 North State Street in the C2 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Mr. Walker asked if the applicant intends on landscaping the area noted as “future phase” now. Mr. Spencer said yes.

Ms. Jeffreys asked why fencing only on the east side. Mr. Spencer said yes, because it is next to residential. He noted they will be adding a fence along the southern border.

Chair Moulton asked if the plat extended out into the street. Mr. Spencer said the line does not go into the street.

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Chair Moulton asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

**Planning Commission Action:** Ms. Larsen said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to approve the site plan of Media Hub at 1342 North State Street. Ms. Jeffreys seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.5** as follows:

**AGENDA ITEM 3.5** is a request by Hawkins Development to vacate Lot 14 of Ribbonwood Subdivision, Plat B and approve the preliminary/site plan and final plat approval of **VASA FITNESS** at 1830 North State Street in the C2 zone.

**Staff Presentation:** Mr. Spencer said that currently the property is vacant. The City Council approved the rezone for the south east portion of the site (Lot 14 of Ribbonwood Subdivision, Plat B) on February 10, 2015. The applicant is proposing to construct a fitness gym with three other attached commercial units. The proposed subdivision includes one (1) commercial lot and contains 3.20 acres. There are also easements for water, cross access, and public utilities on the plat.



The proposed building will include 26,505 square feet. Unit 1 consists of the fitness club and is 18,405 square feet. There are three (3) other retail units and each unit contains 2,700 square feet. The building is thirty-five (35) feet tall at its highest point and will be finished with architectural metal panels, corrugated metal, and aluminum with several glass openings and doors. The southern elevation will also contain similar features as the main façade as per city code.

As per code requirements for the C2 zone a total of 106 stalls are required. The applicant has provided 194 stalls which is 183% of the total required. By ordinance the maximum number of parking stalls is limited to 125% of the required stalls, which is 133 stalls. The Planning Commission may approve more stalls if the applicant can demonstrate the need based on the use of the property. In conversations with the applicant they have noticed an increased need for additional parking at their other locations which is why they are requesting the additional stalls be approved. Eleven (11) bicycle parking spaces are also provided.

A seven (7) foot tall masonry fence will be constructed along the eastern boundary of the site.

A fifteen (15) foot wide landscape strip will be installed along the State Street frontage and will be bermed and includes six (6) trees. City code allows corner lots to have ten (10) feet of landscaping as opposed to the typical twenty (20) foot requirement for all other sites. The landscaping along 1830 North varies in width, but is ten (10) feet at the minimum and also includes ten (10) trees. The islands in the parking lot will contain rock mulch and one tree per island as well. The total amount of landscaping provided for this site is 20,496 square feet which exceeds the required amount. The location of the dumpster is on the south east portion of the site and is enclosed as per code requirements.

A neighborhood meeting was held by the applicant on December 15, 2014. Five neighbors were in attendance and discussed concerns regarding fencing materials, the location of the dumpster, traffic and access.

There is an access easement provided for by the proposed subdivision plat across the property that connects from 1830 North to an access easement on the Kneaders property and will provide cross access between sites.



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**Recommendation:** Based on compliance with the ordinance, staff recommends the Planning Commission vacate Lot 14 of Ribbonwood Subdivision, Plat B, and approve the preliminary plat/site plan and final plat of Vasa Fitness at 1830 North State Street in the C2 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Chair Moulton said he appreciated the landscaping. Mr. Walker added he was glad to see something go in there. Ms. Larsen said she likes the entrance being moved to the north.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Susan Gehring, Orem, thanked Vasa for moving the entrance. She did not want the road red curbed. Chair Moulton said there will be red curbing near the entrances.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

**Planning Commission Action:** Mr. Walker said he has found that neither the public nor any person will be materially injured by vacating Lot 14 of Ribbonwood Subdivision, Plat B and that there is good cause for the vacation. He then moved to:

1. Vacate Lot 14 of Ribbonwood Subdivision, Plat B;
2. Approve the final plat of Vasa Fitness, Plat A; and
3. Approve the preliminary/site plan of Vasa Fitness at 1830 North State Street.

Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.6** as follows:

**AGENDA ITEM 3.6** is a request by Development Services to amend a portion of **APPENDIX A OF THE OREM CITY CODE IN REGARDS TO CERTAIN STANDARD LAND USE CODES IN THE M1, M2 AND CM ZONE.**

**Staff Presentation:** Mr. Spencer said the M1, M2 and CM zones are generally located west of the I-15 corridor in Orem. There is a small area zoned CM on 800 North at the mouth of Provo Canyon. The uses currently allowed in these zones are industrial uses such as manufacturing, shipping, storage, warehousing, and recycling among other similar types of uses. This request limits the types of heavy industrial uses that currently do not exist, or exist in limited areas, in the City and are not appropriate along the Geneva Road Corridor, or any additional areas of the City.

With the expansion and rebuild of Geneva Road, the growth currently taking place in Vineyard and the anticipated growth in Orem, heavy industrial uses are not projected to be the best use of the properties located within the M1, M2 and CM zones. Much of these zones are located generally along the Geneva Road corridor and the proposed changes will facilitate future changes along the corridor. The Geneva Road corridor in Orem will undergo major changes in the future with the development of Vineyard and the potential redevelopment of areas in Orem. Other uses more consistent with business parks and light industrial types of development as well as retail uses are perceived to become more fitting to this area. Without these and other changes the area along the Geneva Road corridor will continue to be a heavy industrial area for many years to come.

The proposed amendments to Appendix A will not affect any current businesses in the City. Of the six (6) uses affected only *SLU 5193 Scrap & Recycling Materials* and *SLU 4841 Sewage Treatment Plants* currently exist. The amendments to Appendix A that indicate where these two uses will be permitted do not affect the locations where those uses currently exist. The proposed amendment ensures that these types of heavy industrial businesses come into the City.

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In addition to changing these six (6) SLU codes from permitted to not permitted, SLU code 4851 *Green Waste Composting and Recycling* is proposed and listed as not permitted in any zone in the City.

**General Plan:** The Orem General Plan states, “Heavy industrial uses should be reduced in the future by developing more light and controlled manufacturing areas to encourage high-tech jobs.” This proposal is consistent with the General Plan.

After reviewing the proposed amendment, staff has listed some advantages and disadvantages in respect to the proposal.

### **Advantages of the Proposal:**

- Limits future the location of potentially undesirable uses along the Geneva Road corridor
- Preserves future uses along Geneva Road to be more compliant with the General Plan
- Encourages light industrial and high-tech businesses to locate along the corridor, and
- Improves the aesthetic quality of the corridor.

### **Disadvantages of the Proposal:**

- None determined

**RECOMMENDATION:** Based on the advantages outlined above staff recommends the Planning Commission forward a positive recommendation to the City Council to amend a portion of Appendix A of the Orem City Code in regards to certain Standard Land Use Codes in the M1, M2, and CM zones as outlined.

SLU		R 5	R 6	R6 .5	R7 .5	R 8	R 12	R 20	OS5/ ROS	P O	C 1	C 2	C 3	H S	M 1	M 2	C M	B P
2110	Slaughterhouse	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u> <u>P</u>	<u>N</u> <u>P</u>	N	N
5193	Scrap & Recycling Materials	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u> <u>P</u>	P	<u>N</u> <u>P</u>	N
4841	Sewage Treatment Plants	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u> <u>P</u>	<u>N</u> <u>P</u>	P	N
5395	Flea Market	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u> <u>P</u>	P	N	N
4851	<u>Green Waste Composting and Recycling</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
7223	Race Tracks	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>N</u> <u>P</u>	<u>N</u> <u>P</u>	<u>N</u> <u>P</u>	N

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Ms. Larsen said that CM zone permits sewage plants. The CM zone is at the mouth of the canyon also and would be permitted. Mr. Spencer said the CM is the zone the City’s sewage treatment plant is located. Mr. Bench said there is an option to add a City only in that use. The Planning Commission could recommend that staff add the sewage treatment plant for only City use.

Mr. Whetten asked how this will impact the existing Business Park off 1250 West in the CM zone. Mr. Spencer indicated that most of the uses in that Business Park are warehouse uses that manufacture goods and ship them out. The annexation area there are showing the industrial zones to extend down, but a lot will be residential and business type uses. He added that whatever uses are currently permitted will continue to be permitted.

Mr. Whetten asked if scrap and material waste will be continued. Mr. Spencer said it will be continued for now. Mr. Whetten said he did not want to drive anyone out of business, however, as far as aesthetics and complimentary to the development in Vineyard we probably should not encourage and increase in this use. Mr. Spencer said this is step will continue to allow them to operate now, but no more undesirable uses going forward. He added that the current uses can continue to operate even after being changed to non-



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conforming. Mr. Earl said this is an ongoing process. This is the first step; the next step will be dealing with the uses that will be discussed further.

Mr. Whetten noted that was a reasonable approach, there needs to have a discussion. Mr. Bench said they will be holding neighborhood meeting and working with the businesses to rezone to C2.

Chair Moulton opened the public hearing.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Ms. Larsen asked for the sewer treatment plant use to not be allowed in the mouth of the canyon. Mr. Spencer suggested relabeling it to be “public” sewer treatment plan.

Chair Moulton called for a motion on this item.

**Planning Commission Action:** Mr. Whetten said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council amend Appendix A of the City Code as it relates to Standard Land Uses 2110, 5193, 4841, 5395, 4851, 7223, with the modification of Sewage Treatment Plants to “Public.” Ms. Larsen seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 4.1** as follows:

**AGENDA ITEM 4.1** is a request by Charles Pledger to amend the General Plan land use map of Orem City from **LOW DENSITY RESIDENTIAL (LDR) TO COMMUNITY COMMERCIAL (CC) AND AMEND ARTICLE 22-3-5(A) AND THE ZONING MAP OF THE CITY OF OREM BY CHANGING THE ZONE FROM R8 TO C1** on approximately 0.69 acres at 1027 and 1045 East 800 North

**Staff Presentation:** Mr. Spencer said the properties being considered to rezone is the former Canyon View Assisted Living business that had operated there since 1995. The property is currently zoned R8 which permits for Standard Land Use (SLU) code *1281 - Assisted Living Facility for Elderly Persons*. The new owner is proposing to operate a Transitional Treatment Home (SLU 1283) which is not a permitted use in the R8 Zone according to Appendix A of the Orem City Code. City code allows the requested use as a permitted use in the C1 and C2 zones only.



The applicant is requesting the property be rezoned to the C1 zone, which is very similar to the PO zone which several properties along 800 North are currently zoned. The C1 zone does not allow retail and promotes office and financial institutions in such a manner as to be compatible with adjacent residential areas.

In order for the property to be rezoned to the C1 zone, the General Plan designation must also be changed from the current classification of Low Density Residential. Because the General Plan designation of Low Density Residential (LDR) does not support the C1 zone, the applicant is requesting the General Plan be amended to the Community Commercial (CC) designation which does allow the property to be rezoned to the C1, C2 and BP zones.

A development agreement requiring the applicant to install a seven (7) foot masonry fence around the property will be required with this request to buffer the residential neighborhood from the facility.

**General Plan:** The General Plan description for the Community Commercial (CC) classification states that, “the intensity of the commercial zone applied will depend on such factors as the nature and location of

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surrounding uses.” As mentioned above the C1 zone is designed to be compatible with adjacent residential areas.

**Neighborhood Meeting:** A neighborhood meeting was held on January 21, 2015. Eight (8) people were in attendance. Some of the residents’ concerns were regarding future uses of the property, security of the facility, and encroaching commercial zoning in a residential area.

After reviewing the proposed rezone and ordinance amendment, staff has listed some advantages and disadvantages in respect to the proposal.

### **Advantages of the proposal:**

- Provides for low intensity commercial uses adjacent to a residential area
- The C1 zone only allows for office type uses and not retail uses
- Accessed directly from 800 North with no direct access into the neighborhood

### **Disadvantages of the proposal:**

- Allows for commercial encroachment into a residentially zoned area
- The CC General Plan classification also allows for the C2 zone

**Recommendation:** Based on the advantages/disadvantages outlined above staff recommends the Planning Commission consider the proposed amendments and make a recommendation to the City Council regarding this request to amend the General Plan land use map of Orem City from Low Density Residential (LDR) to Community Commercial (CC) and amend Article 22-3-5(A) and the Zoning Map of the City of Orem by changing the zone from R8 to C1 on approximately 0.69 acres at 1027 and 1045 East 800 North.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Mr. Whetten said there is no retail in the C1 zone and the C2 is commercial. Mr. Spencer said the C1 is similar to the PO zone in that it does not allow retail. The C2 can be applied to the Community Commercial designation. Mr. Whetten asked if the General Plan change is approved is the applicant automatically entitled to the C1 designation. Mr. Spencer said they would still have to go through the public process with no guarantees.

Chair Moulton asked how deep the lot is. Mr. Spencer said it is 160 feet front to back. There is C1 zone that exists at the mouth of the canyon, but along 800 North where there is more residential it is largely the PO zone.

Mr. Whetten asked to see 800 North to the west. Mr. Spencer pointed out there were PD zones and C2 zones.

Chair Moulton invited the applicant to come forward. Mike Jorgenson introduced himself.

Mr. Jorgenson indicated a flyer had gone around the neighborhood stating this was a halfway house. They are not a halfway house. There are five other treatment centers in Salt Lake, Draper, Payson and two in St. George. Clients will come to this facility based on insurance and medical detox needs. They will stay no more than 28 days and then transitioned to one of the treatment centers. They are not free to leave. This is the first process when entering treatment centers, clients will not stay more than 28 days and then they are transitioned to a treatment center. They are monitored 24/7 and are there by choice. This is a closed campus and so if a client decides to leave the employees cannot stop them, but the client will not be able to return. They will not be roaming the neighborhood. He noticed in some of the opposing letters there was opposition to being so close to two elementary schools. However, already in the neighborhood the Provo Canyon Behavioral Health is a psych ward, which also offers some of the same services Step Recovery offers. Cirque Lodge is on the corner and has 60 residents. Until four weeks ago, Nexstep Detox was operating across the street from this location. This type of business has been operating for years for no incidence of crime or events in the neighborhood. The fears of the neighbors are unfounded. They had

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purchased both properties, but the second building will still function as an assisted living home and they have no fears.

Ms. Larsen said the information provided the Planning Commission it stated there would be a 3-10 days and now it is 28 days. Also, if they are coming into detox are they taken out when they are taken out or stay until the insurance runs out? She also asked if they have to be clean for 30 days.

Mr. Jorgensen said that everyone that enters Steps Recovery Center will come through this facility for assessment and evaluation. Depending on their needs they will stay overnight or some might leave that same day. The State license is called a social detox, medically assisted detox. That is the license that Nexstep Detox had. Some of the clients will stay until they transition to either residential programs or the outpatient program. The City ordinance requires they have to be clean 30 days based on the City Attorney's reading of the Fair Housing Act. After that they will transfer to the outpatient program.

Ms. Jeffreys asked if they are coming in sober. Mr. Jorgensen said the will not be coming in if they are too intoxicated, which will require a medical decision. If they are above a 2.2 blood alcohol content they will have to go to a hospital until they have lower blood content. Ms. Jeffreys asked when it is unsafe. Mr. Jorgensen said the medical doctor will make that determination.

Ms. Larsen said is the doctor on call or is on location at all times. The documents say there is a registered nurses on staff, and who determines they are not staff and how are they transported. Mr. Jorgensen said there is an admission team that will be with the client. If it is determined that the client is unsafe, the team will set up the transport.

Kathleen Folier, director of nursing for Steps Recovery Center, said they access clients as they come in. If they are in need of medical detox they spend the night. The medical detox process is 3-7 days. They give them the same kinds of medication they are sent home from the hospital. This is a stepping stone to the residential program. This step the clients are given hope that they can beat this disease and recover. The detox program is very important to the organization. Mr. Jorgensen said the facilities in Payson, Draper and St. George are licensed as social detox. This allows them to separate the sick clients and those that can be transferred on to the residential program.

Mr. Walker asked about the federal guidelines for treatment centers. Mr. Earl indicated he has had discussion with Mr. Jorgensen. The Federal Fair Housing Act / American with Disabilities Act, commonly known as FHA & ADA, are there to protect individuals with qualifying disabilities. People recovering from addictions are typically considered to be protected under both acts. However, individuals that are deemed to be current users are not protected. Mr. Earl noted that the current ordinance allows sober living home to go in any residential neighborhood in the City. A sober living could go in an R8 zone, this property or any residential home in the City. They can have to up to six residents in a sober living home. The requirement is that they have to be sober for 30 days and that demonstrate they are no longer considered to a current user and are protected. At the current time, a sober living home can be on this property.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Blake Journey, Orem, said he lives around the corner from this location and he is opposed to the application. He has several families who have struggled with addiction and understands the difficulty that comes with that problem. These facilities are very beneficial to those with addiction problems. There are two questions to answer. The first question is this right spot for this and the answer is absolutely no. Facilities like these needs to be close to public transportation, jobs and social services. This is a quarter of a mile to the nearest bus stop and a mile and half from the nearest business district and five miles from workforce services office. It is surrounded by homes of children and teenagers. It is 50 yards from a local teenage hangout. He has four daughters and his oldest daughters walk past this facility on their way home from school. Secondly the applicant has the obligation to prove this should be rezoned. This is out of

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place and does not go with the General Plan. It is not in the interest of the public and the community does not want it.

Paula Ferguson, Orem, said she lives directly behind this property. The Murdock Canal runs through this neighborhood. Because of the canal there is only one access between 1000 East and 1100 East is on 1200 North and 800 North. School children have to walk on either 1200 North or 800 North to get to school. Her concern is the increase in traffic that changing the zone would bring. There was a lot of money spent to make the wider sidewalk. Increasing the traffic will increase the hazards for the children, pedestrians and bicyclists that use the Murdock Trail. Most of the trail area is the PO zone. Once the zoning is changed, any use allowed in the C1 zone could come to that parcel.

Arthur Uresin, Orem, there was an elderly lady lost from the elderly care facility a few months ago. She was found in his car in his driveway. Now when they go out, his wife has him go first to check the car. The Beehive home is monitored 24/7 and she was able to escape. He fully supports this type of facility, but the location is not good.

Richard Adams, Orem, asked if the other facilities pigeon-holed into residential areas or are they in a general commercial area. This will change his quality of life and he will have to lock all his doors and cars regularly. He may have to have a six foot fence all around the property and install a security system to make his home safe. There have been kids in his neighborhood that have had problems with drugs and it is understandable, but this is importing them in from other places.

Chris Pinegar said she teaches at Foothill Elementary. She has grandchildren that live in Orem and attend Foothill Elementary. She is the mother of two recovering addicts. She opposes what Mr. Adams just said. He will not be violated by these people who are seeking to better their lives. She is frustrated that the communication that came to her through the school email indicating that this would be a halfway house. This was sent to all of the teachers and personnel at the school. This proposed facility would not cause anyone to be fearful that their quality of living would be jeopardized. She is all for this facility.

Michael Ahyou, Orem, said he is registered nurse, clinical risk manager and emergency manager for the State Hospital. He deals with patients who have these issues. He has stopped by the Payson facility and he did not even realize it was a recovery center. There is a lot of stigma towards this type of facility. It concerns him that people are worried about being in danger. There are people in this condition already in this area. I have worked with Provo Canyon School. This is for people who want medically trained help. The fears are real, but this place is for people who want help.

Mr. Walker left at 6:00 p.m.

The Planning Commission took a 10 minute break.

Chair Moulton said the Planning Commission's job is not to decide whether a treatment center should come to this property. They need to determine if the C1 zone is an appropriate zone for this property. There are many uses in the C1 zone and the Planning Commission needs to consider all the uses. It is important to determine the uses are appropriate for this property.

Carol Mallory, Orem, said her yard is two feet lower because the Beehive Homes property is higher so the fence will be nine feet high in her back yard. She added that she is concerned with her property value. She cleans cabins at Sundance at a facility that has people come in to detox. In the cleaning process she has found drugs, needles, etc. left in the room. She does not want someone to throw drugs over her fence or have drugs in the garbage.

Whitney Ferguson, Orem, said she has a niece who struggles with drug addiction. Her niece has been in detox many time and still struggles with her addiction. Her drug dealers pick her up from detox and she goes right back to doing drugs. She worries about theft because of her experience with her niece. It is not worth one child to be influenced by the people that are coming in and out of there.

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Bryce McEwan, Orem, said he has worked in municipal law for many years. It operates according to the principal of unintended consequences. The neighborhood may end up with something they would never see when it was rezoned. If this operation is successful, that is good. He has seen many businesses gone bad and then another one comes in that no one likes. There has to be a better place for this use than so close to a neighborhood with so many children.

Tyler Hansen, Orem, said he works for Steps Recovery Center. He is an addict in recovery and clean for 3.5 years. Everyone's purses and money is safe here. A year and half ago he buried his little brother. The heroin problem in Orem is at an epidemic level. Steps Recovery is asking a chance to give people who are struggling for a chance. Nothing breaks his heart than the fact that he cannot see his brother; if there had been enough of these facilities he may have had a chance. Some of the comments tonight are so stupid, this is a secure hospital. He lives by Canyon View Jr. High and has not locked his door for years. There is no one coming from the junior high coming to steal his stuff. The reality is that the problems come from the neighborhood.

Heather Conover, Orem, said her son's best friend lives in the cul-de-sac behind this facility. The only way he can get there is to walk on 800 North. Her concern is that there is no other way to go around. If this facility leaves and another allowed business come in there may be an increase in traffic and make it unsafe for children.

Sarah Attorney, Orem, said that everything 1000 East to the Foothill school boundary to 800 East there is no route for children to get to school rather than in front of this facility. She noted her mother is a retired judge in California and a big time advocate for these types of facilities in California. She called her mom to get her opinion this is a bad place for this type of facility. There are addiction related crimes that like theft, crimes against person, felony burglary, carjacking and vehicular manslaughter. Those under the influence of alcohol become emboldened and act out of character. Yes they are trying to get help, but the facts need to be considered also.

Bill Larsen, Orem, said he proposes this facility goes somewhere else. People will come into the backyard and smoke and talk. There are other locations that are better, just not in his backyard.

Denise Youd, Orem, said there is already two similar facilities already. Cirque Lodge put in the helipad and it runs all hours of the day and night. Since the zoning was changed, there is nothing the neighbors can do. It frightens her to see children walking alone, this will add another level of danger.

Kevin Vandoor, Orem, said he is a criminal defense lawyer appreciates Steps. He has referred many clients to them. He is opposed to this because of where it is being proposed. This is a facility for folks who are not going to sober living yet. These are folks who are strung out and are coming for help. Many times the patients are not the ones who want help; many times it is a family member, attorneys or the courts ordering then to try. Residents are free to come and go as they please. He has many clients who have gone through these places and there is a failure rate. When residents leave he is concerned they will wander through his neighborhood. It is a nightmare to come onto 800 North from 1100 East. To rezone this to a more commercial use is create a traffic nightmare.

Kristin Spencer said since patients need to be transported to a hospital the location should be closer to a hospital.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Chair Moulton said there were many mentions about kids from this neighborhood walking onto either 800 North or 1200 North. He wondered if someone could give up two feet of their property to make a throughway to the school for kids to walk on.

Ms. Larsen said she lives immediately over the fence from Provo Canyon hospital. It is in her backyard. She indicated she chose to live there knowing it was a psych hospital. This neighborhood is surrounded by

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drug rehab centers. She realizes these services are needed. There are heroin addicts in her neighborhood. She wants to look at the right zone for 800 North, not just one or two lots. The zoning that should go through this corridor is probably the PO zone. This area will not remain residential. She is not in favor of the height of commercial buildings or the increased traffic. The allowed uses are better for the PO zone. She is the wife of the former police chief. She would always to always lock their doors and cars. She noted that 800 North is a dangerous place and children should not be going there. She has 10' block wall in her backyard. Recently a group of kids from Provo Canyon hospital climbed over her 10' block wall. This use is a voluntary use and patients can chose to stay or to leave.

Ms. Buxton asked people to please lock your doors. She thanked the neighbors for being polite and well mannered. He concern is not with the specific use. The C1 would be an okay shift, but C2 would not work at all.

Mr. Whetten said he agreed with Ms. Buxton. He said the long term is commercial uses. The Professional Office zone is a better fit to minimize the impact on the existing neighbors. With the PO zone the building heights will not be as high as the C1.

Ms. Jeffreys also agreed it will be commercial, but she does not like the C1 zone.

Chair Moulton recalled how building the Dastrup improved the eyesore the corner of 800 North and 800 East had become. The only zone he is comfortable with is the PO zone.

Mr. Whetten said he used to live in a neighborhood where they built a high school for those who wanted an alternative and those who were in state custody. It was a half block from his home and he understands the concerns. Ultimately this is a decent site for this type of uses, but he is not comfortable with having the C1 zone at this location.

**Planning Commission Action:** Chair Moulton moved to recommend the City Council deny amending the General Plan land use map of Orem City from Low Density Residential (LDR) to Comminty Commercial and not amend Article 22-5-3(A) and the zoning map of Orem City by not changing the zone from R8 to C1 on approximately 0.69 acres at 1027 East and 1045 East 800 North. Ms. Larsen seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Chair Moulton encouraged the neighbors to attend April 14, 2015

**MINUTES:** The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton then called for a motion to approve the minutes of March 4, 2015. Ms. Larsen moved to approve the meeting minutes for March 4, 2015. Mr. Whetten seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

### **ADJOURN**

Chair Moulton called for a motion to adjourn. Ms. Jeffreys moved to adjourn. Mr. Whetten seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

**Adjourn: 6:47 p.m.**

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Jason Bench  
Planning Commission Secretary

Approved: April 1, 2015